

REMARKS

In accordance with the foregoing, claims 1, 3, 5-6, 9 and 13-14 have been amended. Claims 2, 4, 7, 15-16 and 18 have been cancelled. Claims 1, 3-4, 5-6, 8-14, 17 and 19-22 are pending and under consideration.

Using independent claim 1 as an example, this claim recites a stopper mounted at a predetermined position of the frame, wherein the rotary member is stopped by the stopper so the rotary member is not forwardly rotated beyond a predetermined distance; and an extension piece upwardly extending from both sides of the frame, the stopper being included on the extension piece to be inwardly projected from the extension piece.

The Examiner admits that Nichols does not teach the claimed stopper, but instead relies upon Koji and Wolff. However, the Examiner only relies upon these references as teaching "some sort of means to stop movement." However, these references do not teach the stopper, as claimed, including all the recited features. The Examiner also states that stopping means are well known in the art. However, the claims do not recite stopping means in general, but a stopper mounted on an extension piece and inwardly projected from the extension piece. Thus, Applicants respectfully traverse the Examiner's statement because supporting evidence related to the particular stopper of the claimed invention has not been provided, and request that the Examiner produce authority for the statement.

The Applicants specifically point out the following errors in the Examiner's action.

First, the Examiner uses common knowledge ("well-known") evidence for the rejection. As explained in the M.P.E.P.,

any facts so noticed should... server only to "fill in the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground for rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection is based.

M.P.E.P. § 2144.03

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the limitation is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this limitation is unique to the present invention (see, M.P.E.P. § 2144.03(A) (the notice of facts beyond the record which may

be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

Third, there is no evidence supporting the Examiner's assertion (see, M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Fourth, the Examiner appears to be basing the rejections, at least in part, on personal knowledge. The Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such assertion with an affidavit when called for by the Applicant. The Examiner is called upon to support such assertion.

Accordingly, withdrawal of the rejection is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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